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| 10/824,663 | 04/14/2004 | Vijay K. Bhagavath | 1999-0494Con | 7530 |
| 26652 | 7590 | 06/12/2008 | EXAMINER | |
| AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921 | | | RABOVIANSKI, JIVKA A | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/824,663 | BHAGAVATH ET AL. | |
| | Examiner | Art Unit | |
| | JIVKA RABOVIANSKI | 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 - 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/14/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the Applicant reply filed February 28th 2008. This Office action will replace the previous office action where claims 1 -31 have been rejected, and the new added claims 32-63 will be examined. Claims 1 - 32 – have been canceled.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 32, 33, 34, 36, 39, 40 - 43 are rejected under 35

U.S.C. 102(e) as being anticipated Sezan; M. Ibrahim (Sezan hereinafter) by US 6236395 B1.

Regarding claim 32, Sezan teaches:

A method of providing summaries of programming to a recipient, the method comprising (Sezan discloses a method of providing summaries of audio/video programming to a recipient. A streaming programming signal was provide from a program source (see Fig. 2/ item 38) which may

originate at a streaming programming signal – see include, but not limited to col. 7 lines 56 -59):

dividing a received program into program segments (the program can be stored and the user can view the program in parts or in its entirety – see include, but not limited to –col. 12 lines 14 – 16; col. 7 lines 18 -21);

summarizing and storing each program segment into a corresponding summary segment (the analysis module can create a key-frame summary by identifying key-frames of a multi-level summary and passing the information to be used to generate the program views – see include, but not limited to col. 8 lines 42 – 55; Fig. 2 and Fig. 3/items 64, 72, 76 and 78);

generating metadata files for delimiting a beginning and an end of summary segments and program segments (generating metadata (indexing) the stored programs or sectors of them with marking beginning and ending – see include, but not limited to –col. 7 lines 19 -21; col. 10 lines 6 – 7; col. 15 lines 46 – 52; col. 28 lines 13- 16; Fig. 20) and

supplying the summary segments in lieu of program segments on demand of the recipient (The user interacts with the graphical user interface see Fig. 2/items 38, 82 and description on it also see col. 10 line 25 -55).

Regarding claim 33, Sezan teaches:

The method of claim 32, further comprising generating indexing information for facilitating links between the programming segments and the summary segments (establishing links between description and data—see include but not limited to - Figs. 1 and 20, col. 4 lines 37 – 39; col. 28 lines 7 – 9;

Regarding claim 34, Sezan teaches:

The method of claim 32, wherein the program is received via a broadband wired access link (see include, but not limited to Fig. 2/ items 38 and 42; the link includes cable television – broadband wired link and Internet broadcasts, which may be sent via broadband link; col. 7 lines 56 - 59; col. 8 lines 8 – 10 – The system 16 may include any device(s) suitable to receive any one or more of such programs).

Regarding claim 36, Sezan teaches:

The method of claim 32, further comprising: accessing the summary segments by setting timing marks in the program to define summaries (the step of accessing the summary segments by indexing and key-frames as described above in claim 32, as well as, providing time stamps (see col. 4, lines 40 - 67 – the program views may contain a set of fields that contain

data for the identification of key frames, segment definitions between shots, highlight definitions, video summary definitions, different lengths of highlights).

Regarding claim 39, Sezan teaches:

The method of claim 32, further comprising activating a link is by a single step action (by using a remote control, and clicking on the summary with a single step the user can activate the link – Fig. 10).

Regarding claim 40, Sezan teaches:

The method of claim 39, wherein activating a link is performed by a single step action that is a step of pushing a button on a remote controller (The remote controller is disclosed in the reference, where selecting a link on an interface display is inherent to the features of a remote control in audiovisual system (see col. 11 line, 36 – “The remote may likewise control audio systems”).

Regarding claim 41, Sezan teaches:

The method of claim 32, wherein accessing the summary segments includes setting position marks in the program to define summaries (it is defined by primarily by time stamps, as well as, key frames and indexing – as describe above in claim 36).

Regarding claim 42, Sezan teaches:

The method of claim 32, wherein storing the summary segments uses a storage medium located at a user location (Fig. 2/ item 50 – data storage unit).

Regarding claim 43, Sezan teaches:

The method of claim 32, wherein storing the summary segments uses a storage medium integrated with a delivery network (Fig. 2/ item 50 data storage unit, which received programs 38 through 42 and 44, and sends summary segments to display 80 and/or GUI 82 through the search, filtering and browsing module 52).

Claims 37, 38, 50, 51, 53 – 55, 57, 58, 59, 60 - 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Rui, Yong (Rui hereinafter) US 20050160457 A1.

Regarding claim 50, Rui discloses:

A method of facilitating selection and delivery of summaries of programming provided to recipients, the method comprising:

dividing the programming into program segments using program index markers (the meta data can be generated in any of a variety of manners; Meta data is associated with a program. In this particular

reference the meta data is described as being "excited segment probabilities" – see include, but not limited to – [0041];

generating summary segments of parts of the program segments and generating summary index markers corresponding to the programming index markers (The processor Fig. 3/230 receives audio/video data 222 and meta data 224 and performs any necessary processing on the data prior to providing the data to renderer such as time-related summary – see include, but not limited to – [0039], [0044], [0045], Fig. 3);

generating metadata files associated with a summary channel for delimiting a beginning and an end of segments in the summary channel and program channel and including indexing information for facilitating links between the program segments and the summary segments, wherein the metadata files are used to deliver summary segments to the recipient (the meta data can be associated with a program and the meta data 224 can be generated in any of a variety of manners – see include, but not limited to [0041], [0042]; the indication of the segments that correspond to starting time – see include, but not limited to – [0095]and Fig. 3).

Regarding claim 51, Rui discloses:

The method of claim 50, further comprising:

selecting a summary segment by activating a link between the programming segment and the summary segment by utilizing a metadata file included with the summary channel (the system create a summary of the program based on summary parameters; by a request an user can receive pre-generated summary- see include, but not limited to – [0097], [0100], Fig. 7); and

transmitting the selected summary segment and associated metadata to the recipient via the summary channel ([0096] lines 1 - 4 - Once the probabilities that segments are exciting are identified, the user can choose to view a summary or highlights of the program. Which segments are to be delivered as the summary can be determined locally (e.g., on the user's client computer) or alternatively remotely (e.g., on a remote server”).

Regarding claim 53, Rui discloses:

The method of claim 50, further comprising including user data with each group of pictures corresponding to program segments (the user receives a summary with its parameter where the summaries are group of pictures - see [0099] , [0100] “the user request for a summary is received along with parameters for the summary”).

Regarding claim 54, Rui discloses:

The method of claim 50, further comprising activating a link connection by a single physical command (A user may enter commands and information into computer 142 through input devices such as keyboard and other input devices to select a link established between set top box (computer 142) and 188 – see include, but not limited to – [0029], [0031], Fig. 2).

Regarding claim 55, Rui discloses:

The method of claim 50, further comprising including in the step of generating summary segments a step of dynamically generating summaries of live programming in real - time by dynamic editing software - generating summary including all steps in Fig. 7 (see 0098] lines 3 – 4 may – “may be implemented in software, and may be carried out by a receiver 106 of FIG. 1 or alternatively a programming source of FIG. 1 (e.g., Internet provider 120; if a user requests a 15-minute summary, then the pre-generated indications simply need to be accessed rather than determining, at the time of request – real time delivery [0097]).

Regarding claim 57, Rui discloses:

The method of claim 50, whereby the step of:

selecting by activating a link utilizes a one-way link- (computer Fig.2/142 executes an Internet Web browser program (which may optionally be integrated into the operating system 170)- [0030] – pre-generated summary – one-way link –[0097].

Regarding claim 58, Rui discloses:

The method of claim 50, wherein selecting by activating a link utilizes a two-way link – using two- way computer communications – see Fig.2/computers 142 and 188- [0030]) .

Regarding claim 37, see rejection of claim 57.

Regarding claim 38, see rejection of claim 58.

Regarding claim 59, see rejection of claim 50 above.

Regarding claims 60 and 61,

Rui discloses: storage located to the public network and located in a STB. This storage is located on (see Fig. 106/160, 164 - computer 142; and [0027] lines 2 – 3 – “computer that can perform the functions of receiver 106 of FIG. 1, or of one of the programming sources of FIG. 1”).

Regarding claim 62, Rui discloses:

The delivery system of claim 59, further comprising: means for interacting with the user that enables the user to select summaries,

including a screen displaying permitting user entry of controls Rui discloses an interactive control for summary selection (see Fig. 2 / 165, 178 through 192 and 188; and [0096] lines 1-4 –“the user can choose to view a summary or highlights of the program. Which segments are to be delivered as the summary can be determined locally (e.g., on the user's client computer) or alternatively remotely (e.g., on a remote server).”).

Regarding claim 63, Rui discloses:

The delivery system of claim 59, further comprising:

a two-way link control allowing a user to control summary segment and program segment selection while starting from a program segment and summary segment respectively Rui discloses two-way interaction (see [0099] lines 4 – 5 – “a user may indicate as the summary parameters that he or she wants to be presented with any segments” and based on these parameters the portions of program rendered for a user (see [0095] lines 1-7 – “The actual portions of the program rendered for a user as the summary of the program are based on these exciting segments 288”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan.

Regarding claim 35, Sezan discloses supporting the MPEG-7 standard. However, the Examiner takes Official Notice that it is notoriously well known in the art of broadband communication and/or other forms of video distribution to provide a streaming program signal according to the MPEG-2 standard for the advantages of adhering to a well known, used and accepted standard for providing transport stream compression and efficiency. In addition, since Sezan reference is using MPEG – 7 standard, one of ordinary skill in the art would have easily been aware of the MPEG – 2 standard. Therefore, it is submitted that it would have been included using MPEG-2 standard for the advantages given above.

Regarding claim 35, see rejection on claim 35.

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over as Rui, and further in view of Sezan.

Regarding claim 10, Rui does not disclose language is used for constructing metadata file. However Sezan discloses (see col. 14 lines, 1 –

3 - An example of the description schemes is shown below in XML. The description scheme may be implemented in any language and include any of the included descriptions (or more), as desired).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rui with the teaching of metadata file in XML language as further taught in Sezan to meet all limitation claim 56, in order to facilitate the sharing of structured data across different information systems.

Claims 44 - 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan, and further in view of Seidman; David Israel US 6298482 B1.

Regarding claim 44-45,

The method of claim 37, wherein accessing by linking by use of a two- way hyperlink includes a viewer viewing a summary segment and selecting a link function during that summary segment whereby control passes to a beginning of a corresponding program segment; Sezan does not disclose using selecting a link function in purpose of summary segment control during. However, Seidman discloses the embedded data (summary or program -data) is offered to the viewer by display of a "hyperlink". The

head end can dynamically modify both the content of the stream and the control information associating objects in the stream, in response to user interest. The control information must be modified as well, to establish the association of the new embedded data with the previously marked objects in the video. If viewers show an interest in summary information when selecting the embedded data associated with a program, this information could be displayed immediately on screen when a player is selected – col. 8 lines 60-67; col. 9 lines 1-19. col. 9 lines 40 – 55; Fig. 9 and

passing control at a completion of the corresponding program segment to a beginning of a next summary segment (see Figs. 8a, 8b, 8c and 9 – the user can control the different segments and when one of the segments is completed to select the next segment).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan with the teaching of an a hyperlink includes a viewer viewing a summary or program segment and selecting a link function as further taught in Seidman to meet all limitation in claims 44 and 45, in order to facilitate viewers to access easily to the linked information.

Regarding claim 46 - 47,

Sezan does not disclose the use of interrupts. The Seidman discloses the use of interrupts (see col. 11 lines 9 -11 – “When this queue is found to be non-empty, its contents are read by the microprocessor”). Seidman discloses that program segments may be viewed that are already in progress from the point of entry or the content or the segment is stored prior to viewing and viewing the segment from the start is performed when the user is ready (see col. 9 lines 47 – 67 – “the user selects a set of program segments, which may or may not overlap in the time of their broadcast for display. If there is display overlap, storage may be required, as described above” and col. 10 lines 1 – 19 – “the program segment selection may be done for the user automatically, by the STB. Using the selection history summary information, the STB can select among the available program segments, provided they are associated with keywords identifying their topic areas (to enable the STB to choose among them”). Seidman and Sezan do not disclose an interrupt command delivered over an interrupt channel I and recovering a summary of missed programming due to the interruption in delivery in response to a resume command supplied over the I channel. However, the examiner takes Official Notice that it is notoriously well known in the art of program interrupts to provide a

resume command over the interrupt channel for the advantage of recovering the missed programming. Therefore³, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have included a resume command supplied over the interrupt channel for the reason given above.

Regarding claim 48:

Sezan does not disclose using a remote for providing interrupted program, but Seidman discloses that the user may interact with a control for providing a missed/interrupted program by means of a screen display responsive to a remote (see col. 10, lines 12 -19 and col. 6, lines 52 – col. 12, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan with the teaching of an user can control information as further taught in Seidman to meet all limitation in claim 48, in order to provide the needed information by using user control device.

Regarding claim 49:

The method of claim 32, further comprising providing programming control, via a program channel P, including a screen display responsive to

an interactive control of the user. Sezan does not specifically disclose providing programming control of the user. Seidman teaches providing programming control including a screen display responsive to an interactive control of the user as described in col. 6 lines 30 -32, col. 9, lines 57 – 64 and col. 11, lines 52 – col. 12, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan with the teaching of providing programming control, via a program channel P as further taught in Seidman to meet all limitation in claim 48, in order to facilitate users in their communication with the devices.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US application US 20050086703 A1 includes a plurality of set-top boxes that receive broadcast programming and segmentation data from content and information providers. US patent 5442390 includes a system for interactively viewing videos, a selected video is transmitted as a plurality of frames of digitized video data for playback on a viewing device.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jivka Rabovianski whose telephone number is (571) 270-1845. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 270-1845. Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jivka Rabovianski/

SRIVASTAVA VIVEK

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/SPE/

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Supervisory Patent Examiner, Art Unit 2623